

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert H. Wright et al.)	
Serial No.:	10/726,848)	Group Art Unit:
)	3624
Filed:	December 3, 2003)	Examiner:
)	Cardenas-Navia
For:	METHOD AND SYSTEM FOR MEASURING)	
	WORK PRODUCTIVITY)	

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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed November 3, 2008, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a Pre-Appeal Brief Conference in view of the following remarks.

REMARKS

In response to the final Office Action dated November 3, 2008, Applicants respectfully request reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1-3, 7-9, 12-14, 18-21, 24, 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinex in view of Ferriter and Slate. This rejection is traversed for the following reasons.

Claim 1 recites two options related to items in a to-do list. The first option is an exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time. The other option is a jeopardy option associated with a jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of problem.

Claim 1 recites, *inter alia*, "wherein if after an item on the to-do list is selected, an **exception option** displayed on the first display monitor is selected with the first input device, the activities-recording computer stores an exception start time indication in the first memory device, the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories; wherein if after an item on the to-do list is selected, a **jeopardy option** displayed on the first display monitor is selected, the activities-recording computer stores a jeopardy identifier in the first memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of problem (emphasis added)."

In applying the references, the Examiner relies on Sinex as allegedly teaching the jeopardy option. The Examiner cites to Figure 14, element 364 and column 13, lines 23-33. These sections of Sinex teach that if a task is delayed, then a reason for delay is entered and a number of days of delay are assigned.

With respect to the claimed exception option, the Examiner cites to Ferriter as

allegedly teaching this element. In applying Ferriter, the Examiner relies on a suspension option described in column 5, lines 35-44. The teachings of Ferriter, however, fail to include "the exception option including a menu of exception categories denoting **events that divert the first technician away from working on the item for a period of time**" as recited in claim 1. There is no teaching in Ferriter of suspending an item due to a technician being diverted to another event.

Further, both Sinex and Ferriter teach the same type of option, namely a delay option (although Ferriter refers to this as a suspension option). Neither Sinex nor Ferriter teach a jeopardy option as recited in claim 1. The jeopardy option in claim 1 involves a jeopardy identifier **indicating that a problem has been encountered preventing the item from being worked on**, the jeopardy identifier including a jeopardy code describing the type of problem. This is not taught in either Sinex or Ferriter. At best, if Sinex and Ferriter are combined, the result is a delay option, but not a second type of option in the form of the claimed jeopardy option.

Slate was relied upon as allegedly teaching a drop-down menu of selectable reasons for postponing an item, but fails to cure the deficiencies of Sinex and Ferriter. Thus, even if Sinex, Ferriter and Slate are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Sinex in view of Ferriter and Slate. Claims 2-9 variously depend from claim 1 and are patentable over Sinex in view of Ferriter and Slate for at least the reasons advanced with reference to claim 1.

Claim 12 recites "in the activities-recording computer, receiving an indication that an exception option displayed on the first display monitor has been selected; and with the activities-recording computer, when the indication of the exception option selection is received, storing an exception start time indication the memory device, the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories; in the activities-recording computer, receiving an indication that a jeopardy option displayed on the first display monitor has been selected; and with the activities-recording computer, when the indication of the jeopardy selection option is received, storing a jeopardy identifier in the memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier

including a jeopardy code describing the type of problem.” As discussed above, the combination of Sinex in view of Ferriter and Slate fails to teach these features. Claims 13-21 depend from claim 12 and are considered patentable for at least the same reasons.

Claim 24 recites “wherein if after the selection of the item on the to-do list is made, an exception option displayed on the first display monitor is selected with the first input device, the third code segment causes an exception start time indication to be stored in the first memory device, the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories; wherein if after the selection of the item on the to-do list is made, a jeopardy option displayed on the first display monitor is selected with the first input device, the third code segment causes a jeopardy identifier to be stored in the first memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of problem.” As discussed above, the combination of Sinex in view of Ferriter and Slate fails to teach these features. Claims 26-27 depend from claim 24 and are considered patentable for at least the same reasons.

Claims 4-6 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinex in view of Ferriter, Slate and Official Notice. This rejection is traversed for the following reasons. Official Notice was relied upon for TCP/IP packet transmission but fails to cure the deficiencies of Sinex in view of Ferriter and Slate discussed above with reference to claims 1 and 12. Thus, claims 4-6 and 15-17 are patentable over Sinex in view of Ferriter, Slate and Official Notice.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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